

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/238,821  
Applicant : Joseph Phillip Bigus  
Filed : January 28, 1999  
TC/A.U. : 3691  
Examiner : Olabode Akintola  
  
Docket No. : RO998-238  
Customer No. : 30206

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

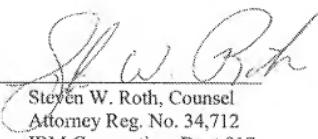
Sir:

In response to the Reconstruction Request mailed August 20, 2010, Applicant is not aware and does not possess the Examiner's Answer (mailed March 7, 2005) to Appeal Brief (mailed July 8, 2003). Attached is a copy of Applicant's record of events between the Office and the Applicant.

Respectfully submitted,

Date: September 14, 2010

By:

  
Steven W. Roth, Counsel  
Attorney Reg. No. 34,712  
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3605 Highway 52 North  
Rochester, MN 55901-7829  
Telephone: (507) 253-1600

Attachments

**In re Application of:** Joseph P. Bigus  
**Application No.:** 09/238,821  
**Filing Date:** January 28, 1999  
**Title:** **VEHICLE-BASED ORDER ENTRY  
AND PROCESSING MECHANISM**

**Direct to:** U. S. Patent and Trademark Office  
 Mail Stop: Duplicates  
 Commissioner for Patents  
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### NOTICE UNDER 37 CFR 1.251 – Pending Application

**Statement (check the appropriate box):**

The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

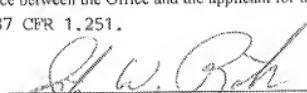
The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application, identified in the Notice Under 37 CFR 1.251. *matter*

September 14, 2010

*Date*

  
 Steven W. Roth  
*Signature*  
*Typed or printed name*

**A Copy of this notice should be returned with the reply.**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

| Event Name  | Date        | Recorded by     |
|---|-------------|-----------------|
| DOCKET APPLICATION FOR FILING                               | 3-Nov-1998  | MigrationAgent  |
| FILE AMENDMENT (SUPPLEMENTAL)                               | 20-May-1999 | MigrationAgent  |
| Migration Event   | 1-Oct-1999  | Migration Agent |
| Receive Office Action (Non-Final)                           | 27-Apr-2000 | Deb Peterson    |
| File Amendment (Response to Office Action                   | 28-Aug-2000 | Deb Peterson    |
| Petition for Extension of Time (1 month)                    | 28-Aug-2000 | Deb Peterson    |
| Receive Postcard - General                                  | 8-Sep-2000  | Deb Peterson    |
| Receive Office Action (Final)                               | 22-Nov-2000 | Deb Peterson    |
| Receive Notice of Confirmation Number Assignment            | 29-Dec-2000 | Nancy Larson    |
| File Notice of Appeal to Board of Patent Appeals            | 22-Feb-2001 | Deb Peterson    |
| Receive Postcard - General                                  | 5-Mar-2001  | Deb Peterson    |
| Petition for Extension of Time (1 month)                    | 16-May-2001 | Deb Peterson    |
| File Continued Prosecution Application (CPA) (Continuation) | 16-May-2001 | Deb Peterson    |
| File Amendment (Preliminary)                                | 16-May-2001 | Deb Peterson    |
| Receive Postcard - Application Filing                       | 24-May-2001 | Deb Peterson    |
| Receive Corrected Filing Receipt                            | 10-Aug-2001 | Deb Peterson    |
| Receive Office Action (Non-Final)                           | 13-Aug-2001 | Deb Peterson    |
| File Notice of Appeal to Board of Patent Appeals            | 13-Dec-2001 | Deb Peterson    |
| Petition for Extension of Time (1 month)                    | 13-Dec-2001 | Deb Peterson    |
| Receive Postcard - General                                  | 21-Jan-2002 | Deb Peterson    |
| File Amendment (Preliminary)                                | 13-Feb-2002 | Deb Peterson    |
| File Continued Prosecution Application (CPA) (Continuation) | 13-Feb-2002 | Deb Peterson    |
| Receive Postcard - General                                  | 5-Mar-2002  | Deb Peterson    |
| Receive Corrected Filing Receipt                            | 19-Mar-2002 | Deb Peterson    |
| Receive Office Action (Non-Final)                           | 8-May-2002  | Deb Peterson    |
| Receive Corrected Filing Receipt                            | 8-Jul-2002  | Deb Peterson    |
| File Request for Corrected Filing Receipt                   | 16-Jul-2002 | Deb Peterson    |
| Receive Postcard - General                                  | 29-Jul-2002 | Deb Peterson    |
| File Notice of Appeal to Board of Patent Appeals            | 8-Aug-2002  | Deb Peterson    |
| Receive Corrected Filing Receipt                            | 13-Aug-2002 | Deb Peterson    |
| Receive Postcard - Notice of Appeal                         | 22-Aug-2002 | Deb Peterson    |
| File Appeal Brief   | 7-Nov-2002  | Deb Peterson    |
| Petition for Extension of Time (1 month)                    | 7-Nov-2002  | Deb Peterson    |
| Receive Postcard - General                                  | 19-Nov-2002 | Deb Peterson    |
| Receive Notice of Noncompliance of Appeal Brief             | 26-Jun-2003 | Nancy Larson    |
| File Amended Appeal Brief                                   | 8-Jul-2003  | Deb Peterson    |
| Receive Postcard - Amended Appeal Brief                     | 28-Jul-2003 | Deb Peterson    |
| File Foreign IDS and Petition Requesting Consideration      | 16-Jun-2004 | Deb Peterson    |
| Receive Request to Reconstruct                              | 7-Mar-2005  | Deb Peterson    |
| File Reconstructed File                                     | 11-Apr-2005 | Deb Peterson    |
| Receive Postcard - General                                  | 18-Apr-2005 | Deb Peterson    |
| Order Returning Undocketed Appeal to Examiner               | 24-May-2006 | Deb Peterson    |
| File Status Inquiry   | 24-Apr-2009 | Deb Peterson    |
| File Supplemental Amendment                                 | 15-Sep-2009 | Deb Peterson    |
| Receive Request to Reconstruct                              | 20-Aug-2010 | Lisa Plank      |



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### NOTICE UNDER 37 CFR 1.251 - Pending Application

The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Examiner's Answer to Appeal Brief (7/19/2003) mailed on 3/07/2005.

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Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the file listed on the cover sheet or any copy of the paper(s) listed, applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

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Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

Application Assistance Unit / Customer Service

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